

U.S. PATENT APPLICATION SERIAL NO.: 10/023,178
AMENDMENT C AND REQUEST FOR A TELEPHONE INTERVIEW

ATTORNEY DOCKET NO.: 3968.043

REMARKS

Review and reconsideration of the Office Action dated August 2, 2004, entry of Amendment B filed November 2, 2004, and entry of present Amendment C is respectfully requested.

Applicant respectfully requests that the Examiner enter Amendment B prior to the entering of the present Amendment.

In view of the imminent approaching of the end of the Six Months' Statutory Period to respond to the Final Office Action of August 02, 2004, and in order to avoid abandonment of the application, a RCE is being filed herewith so Applicants' Amendments B and C may be timely entered and formally considered by the Examiner.

In addition, Applicant is requesting a telephone interview with the Examiner prior to the issuance of the First Office Action on this case.

An Advisory Action was mailed on December 2, 2004. Basically, the Examiner indicated that the claims amendments required a further search, and she will not enter Amendment B.

Applicants do not agree with the Examiner. The original set of claims includes the terms "a base matrix" and "another matrix". During Amendment B, Applicants amended the claims by replacing the term "base" with the term "first" and the term "another" with the term "second". Applicants believe that a person skilled in the art will realize that these terms are not adding anything extra to the claims, but only clarifying the invention. Furthermore, Applicants are under the assumption that

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the term "another" may be considered indefinite; thus, Applicants amended the claims to clarify the invention and avoid a further formality rejection. No new matter was added to the claims.

If the Examiner considers it necessary, Applicants are willing to amend the claims to return the claims to the original wording.

Furthermore, Applicants would like to point out to the Examiner that Applicants' arguments presented in Amendment B should be equally persuasive regardless of the terms "base" or "first" and "another" or "second".

Applicants believe that the claims are novel in view of the cited prior art because the Hornstein and Ashurst references taken alone or in combination fail to teach: 1) the step of introducing a flavor mixture, which has been introduced into a first matrix **into a second matrix** (step c); 2) **comparing** the two headspace analyses (step e); and 3) **changing** (adjusting) the flavor mixture in the second matrix in order **to match** the flavor properties of the first matrix (also step e).

The novelty of the present invention lies in **comparing** the flavor composition of the first and second matrices, adjusting the flavor of the second matrix to match the headspace analysis of a first matrix containing a flavor mixture having desirable properties.

None of the cited references recognizes the importance of optimizing the match of headspace analysis by adjusting the composition of flavor components in two different matrices.

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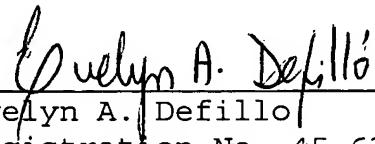
Thus, the in absence of the recognition that the optimization is a result effective variable, a person skilled in the art cannot render this process as obvious by looking at the teaching of the Hornstein and Ashurst references.

By means of the present inventive process, it is possible to apply a flavor profile of a food to another food. The content of each individual flavor compound of an aroma is adapted by using correction factors so that a completely new flavor formula results which is **tailor-made to the new product**. Surprisingly, using this inventive process, flavor adaptation can be carried out considerably faster and more goal-oriented, than by a purely flavoristic/sensory approach.

In view that none of the references taken alone or in combination teach all the steps of the independent claims, Applicants respectfully request that the Examiner withdraw the rejection.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested.

Respectfully submitted



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CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENEDMENT C AND REQUEST FOR A TELEPHONE INTERVIEW for U.S. Application No. 10/023,178 filed December 17, 2001, was deposited in first class U.S. mail, with sufficient postage, addressed: Attn: Mail Stop: RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **January 3, 2005**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. Defillo